FEDERAL COMMUNICATIONS BAR ASSOCIATION
AND THE LAW AND TECHNOLOGY INSTITUTE OF THE
CATHOLIC UNIVERSITY OF AMERICA, COLUMBUS SCHOOL OF LAW
3600 JOHN MCCORMACK ROAD, N.E.
WASHINGTON, D.C. 20064

NATIONAL TELECOMMUNICATIONS
MOOT COURT COMPETITION
2017

RULES

On Friday and Saturday, February 24 and 25, 2017, the Twenty-Third Annual National Telecommunications Moot Court Competition will be hosted by the Law and Technology Institute of The Catholic University of America, Columbus School of Law (“CUA”), and the Federal Communications Bar Association (“FCBA”). The National Telecommunications Moot Court Competition encourages law students with a particular interest in the field of telecommunications law to strengthen their appellate advocacy skills in a diverse and competitive setting. The rules governing the Competition are set forth below.

1. ORGANIZATION OF COMPETITION & RESPONSIBILITIES OF MANAGEMENT AND PARTICIPANTS

A. General

1. The Steering Committee of the National Telecommunications Competition (“Competition”), which is comprised of the Co-Directors of the Law and Technology Institute, certain members of the Moot Court Board of CUA, including the Vice Chancellor of the Competition (“Vice Chancellor”), and members of the FCBA Moot Court Committee (collectively, the “Committee”), will apply and enforce these rules with due consideration for the teams and the Competition. The Committee shall be responsible for the management of the Competition. Any and all questions concerning the Competition shall be brought to the attention of the Committee as soon as practicable.

2. Each team wishing to participate in the Competition shall submit a registration form containing the contact information for the team and school, together with an administrative fee of $400.00. Fee waiver requests will be considered by the Committee on a case-by-case basis.

3. In order to foster diverse competition, no school may register more than two teams to compete in the Competition. An official law school moot court association team is given preference for selection to the Competition if space is limited. In the event that more than one affiliated moot court association teams seek to register, the individual moot court association must determine which team is given preference. The additional team will be
placed in the pool of non-affiliated moot court association teams from that school. In the event that a school seeks to register more than one non-affiliated moot court association team, preference will be given to the team that returns their completed registration form first to the FCBA.

4. Each team shall designate one representative to whom information and briefs may be sent and with whom questions and concerns may be discussed.

5. All competitors are bound by their law school honor codes with respect to their conduct under the Rules of this Competition. If a law school does not have its own honor code, it must abide by CUA’s honor code.

2. DISTRIBUTION OF THE RECORD AND RULES

A copy of the Record and these Rules will be distributed with the Competition problem to the representative designated by each team.

3. THE COMPETITION

A. ROUNDS

1. PRELIMINARY ROUND

The 2017 Competition will be held on Friday, February 24 and Saturday, February 25. Preliminary rounds will be held on Friday evening and Saturday morning as needed, during which each team will argue on-brief and off-brief. Two members of each team must argue in each round (See Format of the Oral Arguments, infra page 7).

2. SEMI-FINAL AND FINAL ROUNDS

The top four teams after the preliminary rounds will advance to the semi-final rounds. Scoring for the semi-final rounds is solely on the basis of the semi-final round oral argument performances of the teams participating in that round. To the extent possible, the four teams advancing to the semi-final round will argue on-brief. If both teams are not able to argue on-brief, side designations will be determined by coin toss. The winners of each of the two semi-final round moots shall advance to the final round. The winner of the final round will be determined by the judges of the final round, solely on the basis of the final round oral argument performances of the teams participating in the final round. Again, if both teams are not able to argue on-brief, side designations for the final round will be determined by coin toss.
B. TEAMS

Each team shall consist of two or three student members. Team members must be students enrolled in a full-time or part-time program at the law school that they represent. Only candidates for a Juris Doctor may participate in this Competition. All team members may contribute to the writing of the brief and may present oral argument, but only two team members may argue in any single round. No substitution of team members will be permitted after the team has submitted its brief, except upon written consent of the Committee.

C. SIDE DESIGNATION

The Committee will randomly assign a side designation to each team, as well as a team number. Teams will be notified via electronic mail of their side designations on the day of the problem release. Teams must submit a brief for the side designated to them.

D. BRIEFS

1. SUBMISSION AND DELIVERY OF BRIEFS

a) Each team must submit two versions of its written brief electronically by 11:59 p.m. EST, on Friday, February 3, 2017. Only those briefs received by 11:59 p.m. EST, on February 3, 2017, will be considered timely.

b) The briefs must be either in Microsoft Word or PDF format, and submitted to the Vice Chancellor by email (eua.nattell2016@gmail.com). The original brief must include the names of the competitors and the team number. The judge’s brief must have team number and must not display the names of the competitors. The Committee will distribute the electronic version of each judge’s brief to all competitors.

2. FORMAT OF BRIEFS

a) The electronic copies of the briefs must be submitted in either (1) Microsoft Word 2000 format (or more recent version of Microsoft Word), or (2) Portable Document Format (PDF) readable by Adobe Reader. If PDF is used, the brief must be text-searchable using a standard PDF reader word search function (i.e., briefs scanned into PDF as graphics files are not acceptable).

b) Briefs will be in the format required under the Federal Rules of Appellate Procedure (“FRAP”) and the Local Rules of the United States Court of Appeals for the District of Columbia Circuit, except as otherwise stated herein.
c) Briefs will contain the following sections in the following order: (1) cover page; (2) table of contents; (3) table of authorities;¹ (4) jurisdictional statement; (5) issues presented; (6) statement of the case; (7) statement of the facts; (8) summary of the argument; (9) argument; and (10) conclusion. Notwithstanding FRAP 28(b), Appellees are required to include all of the foregoing sections in their briefs.

d) The relevant text of all statutes and constitutional provisions may be placed in an appendix instead of the body of the brief. It is not necessary to attach the Record to the brief.

e) The Certificate required by Circuit Rule 28(a)(1), the glossary required by Circuit Rule 28(a)(3) and the reference to oral argument required by Circuit Rule 28(a)(7) should not be included in any brief.

f) The typeface used to produce the brief shall be at least 12 points. Serif types are preferred, although headings and captions may use sans-serif type. Monospaced fonts such as Courier are disfavored, but if used, they may not exceed ten characters per inch (“CPI”). Competitors should measure a ten-character length of their typeface with a ruler to ensure compliance. Note that Courier 10-point type may not result in ten CPI on every word processing system. Characters must produce a clear black image on white paper.

g) Briefs must have one-inch margins on all sides and the text must be double-spaced.

h) Footnotes must be single-spaced and use characters the same point size as the text.

i) No brief shall exceed forty (40) pages, including footnotes and citations. The only material excluded from the page limit shall be the following: cover page, table of contents, table of authorities, certificate of service, certificate of typeface and volume, appendix containing relevant statutory and constitutional provisions, and the certificate required by Rule D(3) of these Competition Rules.

j) Citations will be complete and in the format prescribed by the most recent edition of The Bluebook: A Uniform System of Citation (Twentieth Edition). The typeface and abbreviation conventions will be in accordance with Rules 2.1 and 2.2 of The Bluebook. Underscoring may be used to indicate the use of italics, in accordance with The Bluebook Rule P.1.

k) The electronic version of the “original brief” must bear the typewritten names of all team members, their electronic signatures, and the names of their school on the front cover page and nowhere else. The names or signatures of the team members or their

¹ Pursuant to Circuit Rule 28(a)(2), teams must place an asterisk in the left-hand margin of the table of authorities besides the authorities on which the brief principally relies. The table of authorities also must include a notation at the bottom of the first page stating: “Authorities upon which Appellant/Appellee chiefly relies are marked with asterisks.”
schools should not be included anywhere else in the briefs. Instead, each team shall mark the electronic judge’s brief with the team number assigned to them. This team number shall be placed in the upper right hand corner of each brief submitted to the Committee. By electronically signing the original brief, each team certifies that the brief has been prepared in accordance with these Rules, and that it represents the work product of the team members only.

3. **Brief Certificates**

a) In addition to the briefs, each team shall submit a separate “certificate of service” electronically containing the following information:

   i. a statement that the work product contained in all copies of the team’s brief is in fact the work product of the members of the team;
   
   ii. a statement that the team has complied fully with its law school honor code or the honor code of CUA; and
   
   iii. an acknowledgment that the team has complied with all Rules of the Competition.

b) The electronic submission email of the brief must include the certificate as a separate file from the brief, and labeled “Certificate of Service – Team X_”.

4. **Scoring of Briefs**

a) Brief scores shall constitute fifty percent of each team’s final score for each preliminary round, but will not count in the semi-final and final rounds.

b) Briefs will be scored by a panel of judges. Briefs will be evaluated anonymously and graded on a scale of one to fifty points, in accordance with the resources made available to the brief judges and in accordance with the judging criteria provided in Section III, Rule F. After a team’s brief score has been determined, penalties for format and citation errors and rule violations will be subtracted from the initial score given.

c) The following charts provide the point deductions for format and citation errors.

<table>
<thead>
<tr>
<th>FORMAT ERRORS</th>
<th>POINT DEDUCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-one inch margin</td>
<td>1</td>
</tr>
<tr>
<td>Non-double spaced text and single spaced footnotes</td>
<td>1</td>
</tr>
<tr>
<td>Improper typeface, font size, or characters per inch</td>
<td>1</td>
</tr>
<tr>
<td>Improper ordering or omission of brief sections</td>
<td>1 per section omitted</td>
</tr>
<tr>
<td>Exceeding page limits</td>
<td>3 per page (and arguments beyond the page limit will not be considered)</td>
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<tr>
<td>Misconduct</td>
<td>Points</td>
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<tr>
<td>----------------------------------------------------------------------------</td>
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<tr>
<td>Excessive use of footnotes to circumvent page limits</td>
<td>½</td>
</tr>
<tr>
<td>Competitor names or name of team including law school on any location except on front cover of original brief</td>
<td>½</td>
</tr>
<tr>
<td>Late submission of electronic briefs to Committee (Deadline 11:59 p.m. EST on Friday, February 3, 2016)</td>
<td>2 per day</td>
</tr>
<tr>
<td>Submission of wrong side brief</td>
<td>5</td>
</tr>
<tr>
<td>Failure to submit judge’s brief electronically at time of submission</td>
<td>1</td>
</tr>
<tr>
<td>Failure to include certificate of service as a separate file at time of submission (Includes 1. A statement that the work product contained in all copies of the team’s brief is the work product of the members of the team only; 2. A statement that the team has complied fully with its law school honor code or the honor code of CUA; and 3. An acknowledgment that the team has complied with all the Rules of the Competition).</td>
<td>½</td>
</tr>
<tr>
<td>Failure to submit cover page on original brief to Committee (Includes 1. Typewritten names of all team members; 2. Their signatures; 3. Team number assigned; and 4. The name of their law school on the front cover page of the brief).</td>
<td>½</td>
</tr>
<tr>
<td>Inclusion of names or law school on any other pages of the brief except the cover page of original brief</td>
<td>1 (and re-submission required)</td>
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</table>

### CITATION ERRORS

<table>
<thead>
<tr>
<th>Description</th>
<th>POINT DEDUCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent: almost no citation errors and demonstrated ability to correctly use sophisticated citations (e.g. periodicals, proper use of typefaces, proper use of abbreviations from tables).</td>
<td>0</td>
</tr>
<tr>
<td>Very Good: some minor oversights, but overall understanding of major rules (e.g. proper citations for cases and statutes).</td>
<td>1</td>
</tr>
<tr>
<td>Good: general grasp of the Bluebook, but there is a clear misunderstanding of a few rules</td>
<td>2-3</td>
</tr>
<tr>
<td>Average: minor citation errors, but does not impair the ability of the reader to identify or find the authority and that does not misrepresent the material.</td>
<td>4</td>
</tr>
<tr>
<td>Below Average: major citation errors that affect the ability of the reader to find or identify the authority or misrepresent the material.</td>
<td>5</td>
</tr>
</tbody>
</table>
E. ORAL ARGUMENT

1. Location

The Competition will be held at The Catholic University of America, Columbus School of Law, 3600 John McCormack Road, N.E., Washington, D.C. 20064. The Committee will determine the time and the room number for each preliminary round of arguments, and will notify each participating team of this information at least two weeks prior to the date selected for the first round of arguments.

2. Scoring

a) Team Score: The team score for its oral arguments will constitute fifty percent (50%) of each team’s final score for the preliminary round(s). If there is more than one preliminary round, the oral argument score will be determined by taking the average of the team’s scores from each of the preliminary round oral arguments. The brief score will constitute the remaining fifty percent (50%) of the team score for the preliminary round. A team’s performance in the semi-final and final rounds will be judged solely on its oral argument performance. The brief score will not be used in determining the winner(s) of the semi-final or final round.

b) Individual Score: Each individual competitor’s score will be the average of the various scores assigned to that competitor by the members of the judging panel in all of the preliminary rounds and semi-final round in which it has argued. An individual competitor must argue at least twice in order to be eligible to receive the Best Oralist award.

c) The winning team will be designated Best Team based upon its performance in the final round. The Best Oralist winner will be awarded based upon an average of performance in the preliminary and semi-final round; brief scores will not be considered for Best Oralist. The Best Brief winners will be awarded based on the scores assigned to the briefs. Scoring will be on a scale of one to fifty points and in accordance with the judging criteria provided in Section III, Rule F.

3. Format of the Oral Arguments

a) Each team will be limited to thirty (30) minutes of oral argument, to be divided among its members, but only two members may argue in any one round. Each of those two team members must argue for at least seven (7) minutes per round in which they participate. Each team is responsible for communicating to the bailiff, prior to the beginning of oral argument, how it wishes to allocate its thirty minutes between team members. At their discretion, judges may interrupt arguments to pose questions and may allow additional time for the advocates’ response. Appellant may ask to reserve up to ten (10) minutes of its team’s allotted time for rebuttal. Prior to oral argument, the Appellant must notify the
bailiff of its intention to request rebuttal time, and, at the beginning of oral argument, must seek leave of the panel for rebuttal.

b) For those preliminary rounds in which the parties will be arguing on-brief, the judges may receive the briefs of the parties whose arguments the judges are slated to hear. Off-brief and final round judges may, upon request, be given sample briefs.

c) Judges will be encouraged to critique all advocates after the completion of each preliminary round of oral arguments.

F. GUIDELINES FOR JUDGING BRIEFS AND ORAL ARGUMENTS

1. MATERIALS USED FOR JUDGING

The problem, a bench memorandum, and a copy of these Rules will be provided for the use of those judging team briefs. In accordance with Rule E(3)(b), sample briefs may also be provided to those judging oral arguments. See Section III, Rule A, for additional information on the rounds of the Competition.

2. JUDGES PARTICIPATING IN ORAL ARGUMENTS

Judges will consist of local practitioners in the field of communications law whenever possible. No individual employed by The Catholic University of America on a full-time basis, including professors and distinguished lecturers, shall serve as a judge in the semi-final or final rounds. An employee of The Catholic University of America serving as a preliminary round judge in a round in which a Columbus School of Law student competes may judge that round if, and only if, the student is not personally known to the employee and anonymity of the team has been preserved. Full disclosure of the employment relationship shall be made to both teams prior to the beginning of the Competition round.

G. ANNOUNCEMENTS AND AWARDS

The team that wins the final round will be designated the Best Team. The Best Team, the team that wrote the Best Brief (as determined by the final brief scores), and the Best Oralist (based solely on the competitor’s preliminary and semi-final round oral argument scores) will be announced at a Reception following the conclusion of the final round of the Competition. All participants and judges are invited, and encouraged, to attend the Reception. At the conclusion of the Reception, the Committee will award plaques to the winning and second place teams, as well as to the winners of Best Brief and Best Oralist.

H. FACULTY OR OTHER ASSISTANCE

One of the purposes of this Competition is to develop the skills of appellate advocacy. Accordingly, the team members themselves must write their own briefs and prepare their own oral arguments. Faculty members, fellow students, attorneys, or other
individuals may not review, edit, or otherwise assist in the preparation of a team’s brief. Likewise, such individuals may not prepare the team members’ oral arguments for them. Participants may discuss issues and ideas relating to the Competition problem with faculty, fellow students, or others, and may use the assistance of such individuals to prepare for oral arguments in the form of mooting, question and answer sessions, etc. However, no other form of external assistance may be provided to the competitors.

I. THE COMMITTEE’S AUTHORITY

1. As necessary, the Committee will issue an interpretation of these Rules upon request. All Rule interpretations promptly will be provided to each team.

2. The Committee has the discretionary authority to modify or waive any of these Rules as required.

3. These Rules may be modified as necessary to present the most equitable scoring of the Competition where there is an odd number of competing teams.

4. The Committee will provide each participating team with any modifications or waivers.

5. The Committee will accept questions and requests for clarification of the problem until 11:59 pm EST Friday, February 3, 2017. Absent extenuating circumstances, all such requests must be received by the Committee by that date. All requests for clarification must be via e-mail. All clarifications provided by the Committee will be sent via e-mail to each participating team.

6. In the event of an ambiguity or conflict, these Rules and/or written communications to the participants will govern.

J. WITHDRAWAL

1. Teams wishing to withdraw from the Competition must notify the Committee via email (cua.nattell2016@gmail.com) by 5:30 p.m. EST on Friday, January 20, 2017, or forfeit the $400.00 entrance fee.